

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Legislative findings. The General Assembly
5 finds that:

6 (1) Many states have had successful medication
7 aide-certified (MA-C) programs for many years.

8 (2) A medication aide-certified assists with
9 medication administration while under the supervision of a
10 registered professional nurse (RN) in a long-term care
11 facility.

12 Section 5. The Nursing Home Care Act is amended by adding
13 Section 3-806 as follows:

14 (210 ILCS 45/3-806 new)

15 Sec. 3-806. Medication aide-certified pilot program.

16 (a) The Department of Financial and Professional
17 Regulation, in consultation with the Department of Public
18 Health, shall establish a 2-year pilot program under which the
19 Department of Financial and Professional Regulation shall
20 certify persons as medication aides-certified and those
21 persons may assist with medication administration under the
22 supervision of a registered professional nurse (RN) in a

1 participating skilled nursing facility. No more than 10 skilled
2 nursing facilities shall participate in the pilot program.

3 (b) The Department of Financial and Professional
4 Regulation shall appoint a task force composed of 2
5 representatives from one statewide organization that
6 represents nurses, 6 representatives each from 3 statewide
7 organizations that represent facilities, 2 representatives
8 from the Department of Financial and Professional Regulation,
9 and 2 representatives from the Department of Public Health. The
10 task force shall select participating skilled nursing
11 facilities based on the criteria specified in subsection (c) of
12 this Section.

13 (c) To participate in the pilot program, a skilled nursing
14 facility must meet the following criteria:

15 (1) the facility must have an overall Medicare 4 or 5
16 Star Quality Rating from the most recent data available on
17 the Centers for Medicare and Medicaid Services' website;

18 (2) the employment of a medication aide-certified must
19 not replace or diminish the employment of a RN or licensed
20 practical nurse at that skilled nursing facility;

21 (3) there must be a RN on-duty and present in the
22 skilled nursing facility to delegate and supervise the
23 medication administration by a medication aide-certified
24 at all times that a medication aide-certified is on-duty
25 and present in the facility;

26 (4) only medication aides-certified may be employed in

1 the capacity to administer medication; and

2 (5) a medication aide-certified shall not have a
3 direct-care assignment when scheduled in the capacity of a
4 medication aide-certified, but may assist residents as
5 needed.

6 (d) The Department of Financial and Professional
7 Regulation shall certify an applicant as a medication
8 aide-certified if the applicant successfully meets the
9 following criteria:

10 (1) he or she is age 18 or older;

11 (2) he or she has a high school diploma or a
12 certificate of general education development (GED);

13 (3) he or she is able to speak, read, and write the
14 English language;

15 (4) he or she is competent in math skills;

16 (5) he or she maintains certification as a certified
17 nursing assistant and has practiced as a certified nursing
18 assistant for 2 years continually or at least 2,000 hours;

19 (6) he or she submits to a background check as provided
20 by the Health Care Worker Background Check Act;

21 (7) he or she is currently certified to perform
22 cardiopulmonary resuscitation;

23 (8) he or she has successfully completed a course that
24 is approved by the Department of Financial and Professional
25 Regulation that includes 60 hours of classroom-based
26 medication aide-certified education, 20 hours of

1 simulation laboratory study, and 20 hours of RN-supervised
2 clinical practicum with progressive responsibility of
3 patient medication assistance;

4 (9) he or she has passed the Medication Aide
5 Certification Examination as provided by the National
6 Council of State Boards of Nursing; and

7 (10) he or she maintains certification as a medication
8 aide-certified as provided by the National Council of State
9 Boards of Nursing.

10 (e) A medication aide-certified who is participating in the
11 pilot program shall not:

12 (1) administer any medication until a physician
13 licensed to practice medicine in all of its branches has
14 conducted an initial assessment of the resident; or

15 (2) administer any Schedule II controlled substance as
16 enumerated in Section 206 of the Illinois Controlled
17 Substances Act or any subcutaneous, intramuscular,
18 intra-dermal, or intravenous medication.

19 (f) Nothing in this Section prohibits the administration of
20 medication by a person authorized by law to do so.

21 (g) For the purpose of computing staff-to-resident ratios
22 as required by 77 Ill. Adm. Code 300.1230, medication
23 aides-certified shall be included as direct-care staff, as long
24 as the medication aide-certified is assigned to duties
25 consistent with the identified job title and the assignment is
26 documented in the employee time schedules as required by 77

1 Ill. Adm. Code 300.650 (i).

2 (h) The Department of Financial and Professional
3 Regulation, in consultation with the Department of Public
4 Health, shall adopt rules to implement the pilot program.

5 (i) The Center for Nursing of the Department of Financial
6 and Professional Regulation shall collect data regarding
7 patient safety, efficiency, and errors from each skilled
8 nursing facility participating in the pilot program and shall
9 submit a report to the General Assembly by December 31, 2017.

10 Section 10. The Nurse Practice Act is amended by changing
11 Section 50-15 as follows:

12 (225 ILCS 65/50-15) (was 225 ILCS 65/5-15)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 50-15. Policy; application of Act.

15 (a) For the protection of life and the promotion of health,
16 and the prevention of illness and communicable diseases, any
17 person practicing or offering to practice advanced,
18 professional, or practical nursing in Illinois shall submit
19 evidence that he or she is qualified to practice, and shall be
20 licensed as provided under this Act. No person shall practice
21 or offer to practice advanced, professional, or practical
22 nursing in Illinois or use any title, sign, card or device to
23 indicate that such a person is practicing professional or
24 practical nursing unless such person has been licensed under

1 the provisions of this Act.

2 (b) This Act does not prohibit the following:

3 (1) The practice of nursing in Federal employment in
4 the discharge of the employee's duties by a person who is
5 employed by the United States government or any bureau,
6 division or agency thereof and is a legally qualified and
7 licensed nurse of another state or territory and not in
8 conflict with Sections 50-50, 55-10, 60-10, and 70-5 of
9 this Act.

10 (2) Nursing that is included in the program of study by
11 students enrolled in programs of nursing or in current
12 nurse practice update courses approved by the Department.

13 (3) The furnishing of nursing assistance in an
14 emergency.

15 (4) The practice of nursing by a nurse who holds an
16 active license in another state when providing services to
17 patients in Illinois during a bonafide emergency or in
18 immediate preparation for or during interstate transit.

19 (5) The incidental care of the sick by members of the
20 family, domestic servants or housekeepers, or care of the
21 sick where treatment is by prayer or spiritual means.

22 (6) Persons from being employed as unlicensed
23 assistive personnel in private homes, long term care
24 facilities, nurseries, hospitals or other institutions.

25 (7) The practice of practical nursing by one who is a
26 licensed practical nurse under the laws of another U.S.

1 jurisdiction and has applied in writing to the Department,
2 in form and substance satisfactory to the Department, for a
3 license as a licensed practical nurse and who is qualified
4 to receive such license under this Act, until (i) the
5 expiration of 6 months after the filing of such written
6 application, (ii) the withdrawal of such application, or
7 (iii) the denial of such application by the Department.

8 (8) The practice of advanced practice nursing by one
9 who is an advanced practice nurse under the laws of another
10 state, territory of the United States, or country and has
11 applied in writing to the Department, in form and substance
12 satisfactory to the Department, for a license as an
13 advanced practice nurse and who is qualified to receive
14 such license under this Act, until (i) the expiration of 6
15 months after the filing of such written application, (ii)
16 the withdrawal of such application, or (iii) the denial of
17 such application by the Department.

18 (9) The practice of professional nursing by one who is
19 a registered professional nurse under the laws of another
20 state, territory of the United States or country and has
21 applied in writing to the Department, in form and substance
22 satisfactory to the Department, for a license as a
23 registered professional nurse and who is qualified to
24 receive such license under Section 55-10, until (1) the
25 expiration of 6 months after the filing of such written
26 application, (2) the withdrawal of such application, or (3)

1 the denial of such application by the Department.

2 (10) The practice of professional nursing that is
3 included in a program of study by one who is a registered
4 professional nurse under the laws of another state or
5 territory of the United States or foreign country,
6 territory or province and who is enrolled in a graduate
7 nursing education program or a program for the completion
8 of a baccalaureate nursing degree in this State, which
9 includes clinical supervision by faculty as determined by
10 the educational institution offering the program and the
11 health care organization where the practice of nursing
12 occurs.

13 (11) Any person licensed in this State under any other
14 Act from engaging in the practice for which she or he is
15 licensed.

16 (12) Delegation to authorized direct care staff
17 trained under Section 15.4 of the Mental Health and
18 Developmental Disabilities Administrative Act consistent
19 with the policies of the Department.

20 (13) The practice, services, or activities of persons
21 practicing the specified occupations set forth in
22 subsection (a) of, and pursuant to a licensing exemption
23 granted in subsection (b) or (d) of, Section 2105-350 of
24 the Department of Professional Regulation Law of the Civil
25 Administrative Code of Illinois, but only for so long as
26 the 2016 Olympic and Paralympic Games Professional

1 Licensure Exemption Law is operable.

2 (14) County correctional personnel from delivering
3 prepackaged medication for self-administration to an
4 individual detainee in a correctional facility.

5 (15) The delegation and supervision of medication
6 aides-certified participating in the pilot program
7 provided by Section 3-806 of the Nursing Home Care Act.

8 Nothing in this Act shall be construed to limit the
9 delegation of tasks or duties by a physician, dentist, or
10 podiatric physician to a licensed practical nurse, a registered
11 professional nurse, or other persons.

12 (Source: P.A. 98-214, eff. 8-9-13.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.